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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/595,582	06/15/2000	Richard L. Kaylor	10992361-1	9981

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FORT COLLINS, CO 80527-2400

EXAMINER

PHAN, RAYMOND NGAN

ART UNIT	PAPER NUMBER
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2181

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DATE MAILED: 08/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/595,582

Applicant(s)

KAYLOR, RICHARD L.

Examiner

Raymond Phan

Art Unit

2181

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-12 and 14-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-12 and 14-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **Part III DETAILED ACTION**

#### ***Notice to Applicant(s)***

1. This action is responsive to the following communications: amendment filed on June 17, 2003
2. This application has been examined. Claims 1-2, 4-12, 14-20 are pending.

#### ***Specification***

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2, 4-12, 14-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Srinivasan (US NO. 5,237,663) in view of Itoh et al. (US No.5,490,287).

In regard to claims 1, 11, Srinivasan discloses a method comprising the step of maintaining peripheral device control information in a portable communication device (see col. 2, lines 36-40); and selectively transmitting the peripheral device control information to at least one peripheral device (see col. 2, line 36-54). But Srinivasan et al. do not disclose the printing device control information including network configuration information associated with a printing device and

selectively transmitting the printing device control information to the printing device over a wireless communication interface. However Itoh et al. disclose the printing device control information including network configuration information associated with a printing device and selectively transmitting the printing device control information to the printing device over a wireless communication interface (see col. 4, line 25 through col. 5, line 3). Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have combined the teachings of Itoh et al. into the teachings of Srinivasan because it would provide power saving in wireless communication.

In regard to claims 2, 12, Itoh et al. disclose further comprising the step of causing the printing device to operatively respond to the printing device control information (see col. 4, line 25 through col. 5, line 3).

In regard to claims 4, 14, Itoh et al. disclose configuration includes a unique network device address for printing device (see col. 4, line 25 through col. 5, line 3).

In regard to claims 5, 15, Srinivasan discloses wherein the portable communication is PDA (i.e. handheld computing device (see col. 2, lines 2-6).

In regard to claims 6, 16, Itoh et al. disclose wherein the wireless communication interface is configured to carry at least one signal selected from the group of signals comprising electrical signal, optical signal, RF signal and IR signal (see col. 4, line 25 through col. 5, line 3).

In regard to claims 7, 17, Itoh et al. disclose wherein the communication link is further configured to provide bi-directional communication between the wireless device and the printing device (see col. 4, line 25 through col. 5, line 3).

In regard to claims 8, 18, Itoh et al. disclose wherein maintaining the printing device control information in the wireless device further includes receiving the printing device control information through the user interface portion of the wireless device (see col. 4, line 25 through col. 5, line 3).

In regard to claims 9, 19, Itoh et al. disclose wherein the user interface portion of the wireless communication device includes a display and a keypad (see col. 4, line 25 through col. 5, line 3).

In regard to claims 10, 20, Itoh et al. disclose wherein maintaining the printing device control information in the portable device further includes receiving the printing device control information from a computer operatively coupled to the wireless device (see col. 4, line 25 through col. 5, line 3).

### ***Response to Amendment***

6. Applicant's arguments with respect to claims 1-2, 4-12, 14-20 have been considered but claims 1-2, 4-12, 14-20 are deemed to be moot in view of the new grounds of rejection.

Applicant's arguments, see 8-9, filed June 17, 2003, with respect to the rejection(s) of claim(s) 1-20 under 35 USC 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Itoh et al.

### ***Conclusion***

7. Claims 1-2, 4-12, 14-20 are rejected. Claims 3 and 13 are canceled.

8. The prior arts made of record and not relied upon are considered pertinent to applicant's disclosure.

**Hanada (US No. 6,000,864)** disclose a print control method and printing system in which printer preliminary notifies period of time it takes before it becomes ready to receive print data.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire **THREE MONTHS** from the date of this action. In the event a first response is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Raymond Phan, whose telephone number is (703) 306-2756. The examiner can normally be reached on Monday-Friday from 6:30AM- 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Primary, Paul Myers can be reached on (703) 305-9656 or via e-mail addressed to paul.myers@uspto.gov. The fax phone number for this Group is (703) 746-7239.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [raymond.phan@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

*RP*

**Raymond Phan**  
8/17/03

*Paul R. Myers*

**PAUL R. MYERS**  
**PRIMARY EXAMINER**